

PATENT
Docket No.: 55197US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Douglas Quong

Serial No.: 09/425,636

Filed: October 22, 1999

Group Art Unit: 1617

Examiner: Nguyen, H.

For: ACTIVE MATERIAL WITHIN HYDROGEL MICROBEADS

TERMINAL DISCLAIMER UNDER 37 C.F.R. SECTION 1.321(b)

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Petitioner, 3M Innovative Properties Company, a corporation of the State of Delaware having a place of business at 3M Center, St. Paul, Minnesota, represents that it is the exclusive owner of the entire interest in the above-identified Application by virtue of an assignment recorded at Reel 010344, Frame 0332, on October 22, 1999. Petitioner further represents that it is the exclusive owner of the entire interest in copending application USSN 09/426,140 by virtue of an assignment recorded at Reel 010341, Frame 0737, on October 22, 1999, and that it is the exclusive owner of the entire interest in copending application USSN 09/425,761 by virtue of an assignment recorded at Reel 010343, Frame 0770, on October 22, 1999.

Petitioner disclaims the terminal part of any patent granted on the above-identified Application which would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of any patent granted on pending second application USSN 09/426,140, as presently shortened by terminal disclaimer, or of any patent granted on pending third application USSN

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, Washington, D.C. 20231 on the date shown below:

Date: October 5, 2001 Signed: Lucy C. Weiss
Lucy C. Weiss, Reg. No. 32,834

09/425,761, as presently shortened by terminal disclaimer. Petitioner hereby agrees that any patent granted on the above-identified Application shall be enforceable only for and during such period that the legal title to such patent, to any patent granted on the second application, and to any patent granted on the third application are commonly owned. This agreement is to run with any patent granted on the above-identified Application and to be binding upon the grantee, its successors, and its assigns.

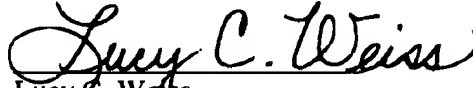
In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above-identified Application prior to the expiration date of the full statutory term, as presently shortened by terminal disclaimer, of any patent granted on the second application or any patent granted on the third application, if it: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321; (4) has all claims canceled by a reexamination certificate; (5) is reissued; or (6) is otherwise terminated prior to the expiration of its full statutory term as presently shortened by terminal disclaimer if any.

Documents establishing the chain of title of the above-identified Application (including the aforementioned assignments and recording locations) have been reviewed, and I certify that, to the best of my knowledge and belief, title is in Petitioner.

I declare that all statements made herein of my own knowledge are true, and that all statements made herein on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under 18 U.S.C. Section 1001 and that such willful false statements may jeopardize the validity of the above-identified Application or any patent issuing thereon.

Please charge the fee provided in 37 C.F.R. Section 1.20(d) to Deposit
Account No. 13-3723.

Respectfully submitted on behalf of
3M INNOVATIVE PROPERTIES
COMPANY


Lucy C. Weiss
Registration No. 32,834

Date: October 5, 2001

Office of Intellectual Property Counsel
3M Innovative Properties Company
P.O. Box 33427
St. Paul, Minnesota 55133-3427
Phone: 651/733-1189
Fax: 651/736-7421

LCW\551971\5002 Terminal Disclaimer.doc (4/1/99 version)